

1 THE HONORABLE SHARON L. GLEASON
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6

2 Suzanne L. Elliott
3 Law Office of Suzanne Lee Elliott
4 1300 Hoge Building
5 705 Second Avenue
6 Seattle, WA 98104-1705
7 (206) 623-0291
8 suzanne-elliott@msn.com

9
10 Mark A. Larrañaga,
11 140 Lakeside Ave., Suite A - #338
12 Seattle, WA 98104
13 (206) 972-0151
14 Mark@jamlegal.com

15 Theresa M. Duncan
16 Duncan Earnest, LLC
17 222 East Marcy Street
18 Suite 1
19 Santa Fe, NM 87501
20 505-710-6586
21 teri@duncanearnest.com

22 Attorneys for Defendant John P. Smith

23
24 UNITED STATES DISTRICT COURT
25 FOR THE DISTRICT OF ALASKA

17
18 UNITED STATES OF AMERICA,

19 Plaintiff,

20 vs.

21 JOHN PEARL SMITH, II,
22 Defendant.

23 No. CR16-0086-SLG-DMS

24 DEFENSE SENTENCING
25 MEMORANDUM

26
27 Defendant John Pearl Smith, through undersigned counsel, respectfully submits
28 this Sentencing Memorandum and incorporates the arguments he made in his Sealed
29

1 Objections to Final Presentence Report (ECF 1314), which he filed on February 9, 2023.
2 ECF 1317. Undersigned counsel titled that document as Objections rather than as a
3 Sentencing Memorandum and apologizes for any confusion that may have caused.

4 Pursuant to L. Crim. R. 32.1(e), Mr. Smith states as follows:

5 1. He disagrees with the presentence report as set forth in ECF 1317, which
6 was previously served on counsel for the government and the probation officer who
7 drafted the PSR.

8 2. Given Mr. Smith's plan to appeal his convictions, the defense makes no
9 recommendation to this court regarding sentencing. He is not requesting a departure or
10 variance from the guidelines.

11 3. Authority relevant to the guideline issues Mr. Smith raised in ECF 1317
12 are cited in that document.

13 4. While Mr. Smith has a state court detainer for a parole violation, he has
14 not been sentenced for that violation.

16 DATED this 13th day of February 2023.

17 /s/Suzanne Lee Elliott
18 Suzanne L. Elliott
19 Law Office of Suzanne Lee Elliott
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22 Seattle, WA 98104-1705
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24 suzanne-elliott@msn.com
25

/s/ Mark A. Larrañaga

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Seattle, WA 98104
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/s/ Theresa M. Duncan

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Duncan Earnest, LLC
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Suite 1
Santa Fe, NM 87501
505-710-6586
teri@duncanearnest.com

Attorneys for Defendant John P. Smith

Certificate of Service:

I hereby certify that I electronically filed the foregoing, and any attachments, with the Clerk of court for the U.S. District Court for the District of Alaska by using the district's CM/ECF system on February 13, 2023. All participants in this case are registered CM/ECF users and will be served by the district's CM/ECF system.

/s/ Theresa M. Duncan

Theresa M. Duncan